

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LUCHA EL POR LIBERTAD,

*

Plaintiff,

*

v.

*

C.A. No. 22-10130-ADB

*

TROOPER RYAN CASEY, et al.,

*

Defendants.

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ORDER

BURROUGHS, D.J.

On February 1, 2022, a Procedural Order entered denying plaintiff's motion for leave to proceed *in forma pauperis* and directing plaintiff either to pay the filing fee or file a renewed motion with a copy of his prison account statement. Dkt. No. 4. On February 9, 2022, Libertad filed a renewed motion for leave to proceed *in forma pauperis*. Dkt. No. 5.

On February 14, 2022, the court denied plaintiff's second motion for leave to proceed *in forma pauperis* and granted plaintiff 28 days to file (1) a renewed *in forma pauperis* motion with his prison account statement, and (2) an amended complaint that adequately alleges subject matter jurisdiction and sets forth a plausible claim upon which relief may be granted. Dkt. No. 6.

Also on February 14, 2022, the court received for filing several documents from plaintiff. Dkt. No. 7. The main document is titled "Affidavit of Fact" and plaintiff explains that he "requested the Facility to send the required document to the United States District Court for the District of Massachusetts." *Id.* Plaintiff also states that the "Facility has notified [plaintiff that] the required document is property of Essex County Correctional Facility." At the end of the

one-page affidavit, plaintiff states that “all the claims and statements made in this affidavit as well as the one attached are true ...” *Id.*

Accordingly:

1. In order to facilitate the request by plaintiff for his certified prison account statement, the Clerk shall send a copy of this Memorandum and Order to the Treasurer's Office at the Essex County Correctional Facility. The court requests that the Treasurer's Office provide a copy of plaintiff's prison account statement and include in such statement plaintiff's average monthly deposits for the six-month period preceding the date the Complaint was filed (January 26, 2022), as well as the average monthly balance for that same period.

2. If plaintiff elects to proceed with this action, **plaintiff must file on or before March 14, 2022** the following: (1) a renewed motion for leave to proceed *in forma pauperis* accompanied by his certified prison account statement; and (2) an amended complaint setting forth a plausible claim upon which relief may be granted. Failure to do so will result in dismissal. The Clerk shall send to plaintiff with this Order a courtesy copy of the February 14, 2022 Memorandum and Order.

SO ORDERED.

February 17, 2022

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
UNITED STATES DISTRICT JUDGE